IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Eugen Koren and Mirna Koscec

Serial No:

08/765,324

Art Unit:

1645

Filing date: December 24, 1996

Examiner:

P. Duffv

For:

METHOD FOR MAKING ANTIBODIES IMMUNOREACTIVE

WITH AN EPITOPE OF AN APOLIPOPROTEIN

Assistant Commissioner for Patents Washington, D.C. 20231

FAX RECEIVED

APR 2 2 2003

RENEWED PETITION FOR REVIVAL OF AN APPLICATION ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

PETITIONS OFFICE

Sir:

Responsive to the Decision dated April 16, 2003, on the petition under 37 CFR 1.137(a) filed February 13, 2003 to revive the above-identified application. please consider the following and the enclosed response to the office action dated June 18, 2002, which was received for the first time with the decision on the Petition.

This application became unavoidably abandoned as defined in MPEP 711(c)(III)(C)(2) in that applicants relied "upon the ordinary and trustworthy agency of mail" and since that failed, "it may properly be said to be unavoidable."

The Office communication from the U.S. Patent and Trademark Office, mailed June 18, 2002, was not received by the attorney of record in this application U.S.S.N. 08/765,324
Filed December 24, 1996
RENEWED PETITION FOR REVIVAL

and a search of our files and docket records shows no record of the communication. Your attention is directed to the enclosed copy of our docket report printed August 27, 2002, which shows an entry for this application which reads "Has 2nd CPA(2) office action been rec'd?" Likewise, the docket report printed September 27, 2002, which would have contained an entry saying a response was due on September 18, 2002 if the office action had been received, contains the same identical entry. The docket report of due dates for December 18, 2002, which would have indicated the last date a response could have been filed to the Office Action mailed June 18, 2002, if it had been received, contains no entry for this application.

Also enclosed is a copy of a record of a telephone call made by Patrea L. Pabst to the Examiner's supervisor, Lynnette Smith on August 29, 2002, regarding the status of this application. Since Ms. Pabst was unable to reach Lynnette Smith, at 703-308-3909, she left a voice mail message for her. Ms. Pabst then called Examiner Patricia Duffy, at 703-305-7555, and left a voice mail message for her. Neither call was ever returned and no copy of the office action was ever received until the decision on this petition.

It is the position of applicants that this application was unavoidably abandoned due to the failure to receive the Office Action mailed June 18, 2002, and the unresponsiveness of the Examiner and her Supervisor to the attempts made to ascertain the status of the application. The copy of the Office Action which is attached to the Decision on the Petition, mailed April 16, 2003, is the first and only copy of the Office Action which applicants have received.

U.S.S.N. 08/765,324 Filed December 24, 1996 RENEWED PETITION FOR REVIVAL

A full and complete response to this Office Action is enclosed with this Renewed Petition.

It is believed that no fee is due in connection with this Petition. However, if it is determined that a fee is due, the Commissioner is hereby authorized to charge the fee to Deposit Account 50-1868.

Applicants respectfully request that the abandonment be ruled "unavoidable", the Notice of Abandonment be withdrawn, and the application returned to the examiner for consideration of the response to the Office Action.

Respectfully submitted,

Patrea L. Pabst Reg. No. 31,284

Date: April 22, 2003 HOLLAND & KNIGHT LLP 2000 One Atlantic Center 1201 West Peachtree Street Atlanta, GA 30309-3400 404-817-8473 404-817-8588 (Fax)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and any supporting documents referenced therein is being transmitted by facsimile on the date shown below to the U.S. Patent and Trademark Office at 703-308-6916.

Jean Hicks

Date: April 22, 2003

OMRF 143 CIP(2) 078617/00129

		RenewalFee	Renewal fee	Renewal fae	Has 2nd ofc act been rec'd?'supplamd filed 2/3/96" update rec'd 1/29/01	Rmdr: Approval of text due nit 10/23/02	Approval of Text due * DROP DEAD DATE *	Rmdr: translation, nat'i processing designations, div appl instr due ASAP	Has 4th ofcact been rec'd? * resp-3rd ofcact filed 10/12/01 *	File contappi appeal brief filed 6/24/02 *	File div appl * resp-restr rqmt filed 1/12/01 * appeal brief filed 6/24/02 *	Has exanir answer to appeal brief been rec'd? * brief filed 6/24/02 *	File assignee power of attorney as soon as possible	File assignee stml under 37 CFR 3.73(b) as soon as possible	Rmdr: 8th vr mtn fee due 8/27/03	Response to 3rd office action due * IDROP DEAD DATE! * Instresm 6/6/02 *	Supplemental IDS (if any) due	Has 4th ofc act been rec'd? * resp-3rd ofc act filed 11/16/01 *	Projected publication date
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Aug 27 2002	Country Name	Sweden	Switzerland	United Kingdom	Canada	European Patent	European Patent	European Palent	Japan	United States of America	United States of America	United States of America	United States of America	United States of America	United States of America	Canada	Canada	European Patent	United States of America
ĵ.	Number	93901091.4	93901091,4	93901091.4	2,113,089	92915715.4	92915715.4	92916715.4	5-502933	09/566,254	09/566,254	09/566,254	07/944,143	07/944,143	08/224,236	2,194,163	2,194,163	95926157.9	08/765,324
Dacket: 1/1/90-2/28/03	File Number	OMRF130	OMRF130	OMRF130	OMRF135	OMRF135	OMRF135	OMRF135	OMRF135	OMRF135CIP(2)DIV(2)	OMRF135CIP(2)DIV(2)	OMRF135CIP(2)DIV(2)	OMRF138	OMRF138	OMRF142CIP	OMRF143	OMRF143	OMRF143	OMRF143CIP(2)
	Due Date	Dec 31 2002	Dec 31 2002	Dec 29 2002	Aug 29 2002	Aug 23 2002	Oci 23 2002	Oct 23 2002	Oct 12 2002	Aug 24 2002	Aug 24 2002	Sep 24 2002	Sep 17 2002	Sep 17 2002	Feb 27 2003	Sep 20 2002	Sep 20 2002	Nov 16 2002	Dec 27 2001
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	Aug 27 2002	County Name	United States of America	United States of America	United States of America	United States of America	United States of America	United States of America	Australia	Canada	Canada	Canada	Canada	Canada	European Patent	European Patent	European Paleni	Japan	Canada	European Paleni
,	:8/03	Number	08/765,324	08/970,045	08/970,045	09/366,103	08/151,448	08/151,448	45064/96	2,206,526	2,206,526	2,206,526	2,206,526	2,206,526	95943643.7	95943643.7	95943643.7	8-519095	2,199,821	95929335.8
	Docket: 1/1/90-2/28/03	File Number	OMRF143CIP(2)	OMRF143CON	OMRF143CON	OMRF145CIPCON	OMRF147	OMRF147	OMRF150CIP	OMRF150CIP	OMRF150CIP	OMRF 150CIP	OMRF150CIP	OMRF150C3P	OMRF150CIP	OMRF 150CIP	OMRF150CIP	OMRF150CIP	OMRF152	OMRF152
		Oue Date	Sep 05 2002	May 16 2002	Sep 22 2002	Sep 22 2002	Sep 23 2002	Sep 23 2002	Dec 01 2002	Sep 28 2002	Sep 28 2002	Nov 28 2002	Nov 28 2002	Dec 01 2002	Sep 19 2002	Sep 19 2002	Dec 31 2002	Nov 26 2002	Aug 07 2002	Sep 13 2002
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	Matter	Renewal fee	Renewal	Renewal fe B	Renewal Fee	Renewalfee	Renewal fee	Has 2nd ofc act been rec'd 7'suppl-amd filed 2/3/96" update rec'd 1/29/01	Rmdr: natt processing designations due ASAP	Approval of Text, translation, div instrictue * DROP DEAD DATE *	Has 4th ofcact been rec'd? * resp-3rd ofcact filed 10/12/01 *	File contappi * appeal brief filed 6/24/02 *	File div appl * resp-rest rqmt filed 1/12/01 * appeal brief filed 6/24/02 *	Has exmnr answer to appeal brief been rec'd? * brief filed 6/24/02 *	Rmdr. 8th yr mtn fee due 8/27/03	Response to 3rd office action due * IDROP DEAD DATE! • Instreent 6/6/02 *	Has 4th ofc act been rec'd? * resp-3rd ofc act filed 11/18/01 *	Projected publication date	Has 2nd CPA(2) office action been rec'd? *resp-1st CPA(2) ofc act filed 3/5/02
Sep 27 2002	Country Name	Luxembourg	Netherlands	Spain	Sweden	Switzerland	United Kingdom	Canada	European Patent	European Palent	qeban	United States of America	United States of America	United States of America	United States of America	Canada	European Patent	United States of America	United States of America
(03	Number	93901091.4	93901091.4	83901091.4	93901091.4	93901091.4	93901091.4	2,113,089	92915715.4	92915716.4	5-502933	09/566,254	09/566,254	09/566,254	08/224,236	2,194,163	95926157.9	08/765,324	08/765,324
Docket: 1/1/00-3/31/03	File Number	OMRF130	OMRF130	OMRF130	OMRF130	OMRF130	OMRF130	OMRF135	OMRF135	OMRF135	OMRF135	OMRF 135CIP(2)DIV(2)	OMRF135CIP(2)DIV(2)	OMRF135CIP(2)DIV(2)	OMRF142CIP	OMRF143	OMRF143	OMRF143CIP(2)	OMRF143GIP(2)
	Due Oate	Dec 31 2002	Dec 31 2002	Dec 31 2002	Dec 31 2002	Dec 31 2002	Dec 29 2002	Sep 29 2002	Oct 19 2002	Dec 19 2002	Oct 12 2002	Sep 24 2002	Sep 24 2002	Sep 24 2002	Feb 27 2003	Sep 20 2002	Nov 16 2002	Dec 27 2001	Oct 05 2002
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	Matter	Projected publication date	Has 2nd CPA ofc act been rec'd? 'rsp-1st CPA ofc act filed 3/5/02-faxed 4/22/02'	Has Certificate of Correction been rec'd? * request filed 3/22/02 *	File contidiv appl® exmnranswer to brief mailed 9/10/02 °	Rmdr: Reply to Examiner's Answer to Appeal Brief due nit	Rmdr: Request for Oral Hearing due nlt 11/10/02	Reply to Examiner's Answer to Appeal Brief due * IDROP DEAD DATE! *	Request for Oral Hearing due * IDROP DEAD DATE! •	Renewal Fee	Rmdr: Isting cited art due 11/28/02 * recommended date *	Rmdr: request for examination due nit 11/28/02	Listing cited art due * recommneded date *	Request for examination due * DROP DEAD DATE *	Re newal fee	Renewalitee	Has CA PTO acknowledgement of request for examination been rec'd?	Response to 2nd ofc act due *extendible upon request * inst/oomments sent 6/22	File control appl final rejection mailed 3/26/02 advisory action rect final rejection mailed 3/26/02 advisory
Sep 27 2002	Country Name	United States of America	United States of America	United States of America	United States of America	United States of America	United States of America	United States of America	United States of America	Australia	Canade	Canada	Canada	Canada	Canada	Јарал	Canada	European Patent	United States of America
703	Number	08/970,045	08/970,045	09/366,103	08/151,448	08/151,448	08/151,448	08/151,448	08/151,448	45064/96	2,206,526	2,206,528	2,208,526	2,206,526	2,206,526	8-519095	2,199,621	95929335.8	08/378,261
Docket: 1/1/00-3/31/03	File Number	OMRF143CON	OMRF143CON	OMRF145CIPCON	OMRF147	OMRF147	OMRF147	OMRF147	OMRF147	OMRF150CIP	OMRF150CIP	OMRF150CIP	OMRF150CIP	OMRF150CIP	OMRF150CIP	OMRF150CIP	OMRF152	OMRF152	OMRF152DIV(3)
	Due Date	May 16 2002	Sep 22 2002	Sep 22 2002	Oct 10 2002	Oct 10 2002	Oct 10 2002	Nov 10 2002	Nov 10 2002	Dec 01 2002	Sep 28 2002	Sep 28 2002	Nov 28 2002	Nov 28 2002	Dec 01 2002	Nov 26 2002	Nov 06 2002	Sep 13 2002	Sep 26 2002
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Dec 03 2002	Country Name	United States of America	Canada	Canada	European Patent	United States of America	United States of America	United States of America	РСТ	United States of America	United States of America	United States of America	Canada	Canada	United States of America	United States of America	United States of America	United States of America	South Africa
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Docket: 12/1/02-12/31/02	File Number	KL100	MBX037	MOBT114	MOBT141	MSM100CDIV	MSM100CDIV	MSM100CDIV(2)	OMRF185	PSU1813CON	RICE103	RICE103	SYM108	SYM108	SYM112	SYM112	SYM112	SYM112	ACU109/110
	Due Date	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 17 2002	Dec 16 2002
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Dec 03 2002	Country Name	PCT	United States of America	European Patent	United States of America	United States of America	United States of America	United States of America	European Patent	Canada	Canada	European Patent	European Patent	United States of America	United States of America	United States of America	United States of America	European Palent	European Patent
31/02	Number	PCT/US02/34160	10,024,916	96915432.7	10/220,107	09/732,411	09/732,411		93900484.2			00927833.5	00941736.1	60/342,663	60/342,663	10/114,722	10/114,722	96936427.5	01203928.5
Docket: 12/1/02-12/31/02	Eile Number	CES100	CIT2606CIP	CMCC281CIP(2)	CMCC725	CMCC729	CMCC729	CMCC778	ESPN1147	ETH107CIP	ETH107CIP	ETH107CIP	EU98055	FEMIO3	FEM103	FTI112CIPDIVCON	FTI112CIPDIVCON	FT11.17	ILI106DIV
	Due Date	Dec 18 2002	Dec 18 2002	Dec 19 2002	Dec 18 2002	Dec 16 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 16 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 16 2002	Dec 18 2002	Dec 16 2002	Dsc 18 2002	Dec 18 2002
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2	Matter	Rmdr: Request for examination due nit 12/18/05	File cont application "appl allowed 11/18/02 *	File div appl * resp-restr rqmt filed 4/8/00 * appl allowed	Prepare allowed patent application checklist * appl allowed	Rmdr: Issue Fee due nit 2/16/03	Has ntc publication been rec'd? * Projected Publication Date was 4/16/02 *	Provide assocw/full identity of prior documents referred to in disclosure ASA	Has official filing receipt been rec'd? " natt phs entered 3/18/02".	File provisional application * disciosure rec'd 1/18/01 * NO MORK	Copies prior art died in corresponding US & EP appls due " recommended data "	Resp.2nd ofc act due	Appeal Brief w/o eof due	File cont/div appl* notice of appeal faxed 10/18/02 *	File Assignee Power of Attorney* appl Red 9/18/02 •	File Assignee Stmt Under 37 CFR 9.73(b) * applified 9/18/02	File Assignment * appl filed 9/16/02 *	File IDS * appl filed 9/1 8/02 *	File Inventor Declaration * appl filed 9/16/02 *
Dec 03 2002	Country Name	Japan	United States of America	United States of America	United States of America	United States of America	United States of America	Canada	Canada	United States of America	Canada	European Patent	United States of America	United States of America	United States of America	United States of America	United States of America	United States of America	United States of America
20/1 (2/	Number	2000-525470	09/216,575	08/218,575	09/218,575	09/216,575	09/364,847	2,302,403			2,179,522	98954005.9	09/597,667	09/597,657	10/246,662	10/246,682	10/246,662	10/246,662	10/248,662
Docket: 12/1/02-12/31/02	File Number	MBX022	MBX022	MBX022	MBX022	MBX022	MBX030	MIT8289	NJSIOI	MJS105	MOBT100	MOBT169	OMRF118CONDIV	OMRF118CONDIV	OMRF185	OMRF165	OMRF185	OMRF185	OMRF185
	Due Date	Dec 16 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 16 2002	Dec 18 2002	Dec 18 2002	Dec 16 2002	Dec 16 2002	Dec 16 2002
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	Matter	File formal drawings " appl filed 9/16/02 "	File IDS *appl filed 9/18/02 *	Rondr: Copies prior art cated in corresponding US & EP apple due 6/18/03	File voluntary response to IPER * EP assoc recommended date was 7/31/00 *	Rmdr: Ilsting cifed art due 6/16/03	File cont/div appl * final rejection malled 9/18/02 *	File notice of appeal * linal rejection malled 9/18/02 *	Request corrected filing receipt * fnl rej mailed 9/18/02 *	Request exnnr initiated PTO-1449 (6/27/01) " fnl rej mailed 8/18/02 "	Resp-2nd ofc act (final rejection) w/o eot due	Response to office action due * extendible upon request *	File assignment * appl filed 12/21/01 *	Foreign applifrom prov applidue * IDROP DEAD DATE! *	Uis applifrom prov applidue *! DROP DEAD DATE!	Rmdr. Response to Notice to File Missing Parts w/o ect due 1/19/03	Rmdr: Acceptance due nit 2/19/03	Rmdr: request for revival due nit 12/19/03	Rmdr: resp-4th ofc act due 2/19/03
Dec 03 2002	Country Name	United States of America	United States of America	Ceneda	European Patent	Canada	United States of America	United States of America	United States of America	United States of America	United States of America	European Patent	United States of America	United States of America	United States of America	United States of America	New Zealand	United States of America	European Patent
2/31/02	Number	10/246,662	10/246,644	2,377,204	98948385.4	2,321,102	09/661,773	09/661,773	09/661,773	671,73	09/661,773	00963475.9	60/343,407	60/343,407	60/343,407	10/260,505	508470	07/142,471	98941035.2
Docket: 12/1/02-12/31/02	File Number	OMRF185	OMRF186	PDT120/121	SRX108/112	TBS100	TEPH102	TEPH102	TEPH102	TEPH102	TEPH102	TEPH103	ACH100	ACH100	ACH100	ACH101	ACU105	AJD100	BREM100
	Due Date	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 18 2002	Dec 16 2002	Dec 16 2002	Dec 18 2002	Dec 19 2002	Dec 19 2002	Dec 19 2002	Dec 19 2002	Dec 19 2002	Dec 19 2002	Dec 19 2002
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The "Received" stamp of the Patent Office imprinted hereon acknowledges the filing of:

Applicants: Eugen Koren, et al. 08/765,324

Serial & Docket Nos.:

OMRF 143 CIP(2)

December 24, 1996 Filed:

Papers Submitted:

Amendment and Response to Office Action with Certificate of Mailing under 37 CFR 1.8(a), Transmittal Form PTO/SB/21; Fee Transmittal (in duplicate).

March 5, 2002

Client/Matter No.: 078617/00129

By: Patrea L. Pabst, Reg. No. 31,284

ATL1 #512297 vl

8/29/200

of examina Lynnette Inite. 703 3083909.

re statis left message for Pramin -703 301 7855